

EXAMINER'S AMENDMENT

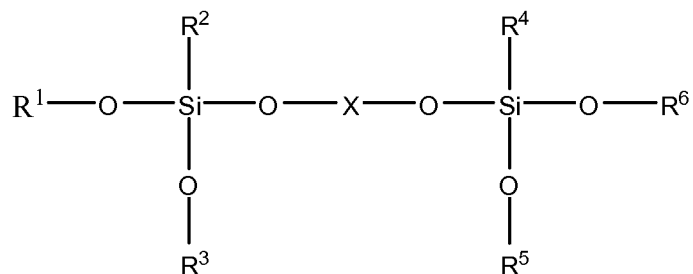
An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George Kaplan on September 14, 2009.

The application has been amended as follows:

Please replace original claim 1 with,

1. A flame retarded resin composition comprising at least one resin selected from the group consisting of polycarbonate, polyester and mixtures thereof, and a flame retarding effective amount of at least one nonhalogenated arylalkylsilyl flame retardant represented by the formula



wherein R¹, R³, R⁵ and R⁶ each independently is aryl or substituted aryl; R² and R⁴ each independently is a lower alkyl; X is a bridging group derived from a diol possessing an

Art Unit: 1796

arylene moiety; and, n has a value of up to about 20; the flame retardant resin composition being substantially free of haloorganic flame retardant and phosphate flame retardant.

Please cancel claims 13, 19, 25, and 31.

Please make each of claims 14-18 and 37 dependent from claim 1.

Please make each of claims 20-24 dependent from claim 2.

Please make each of claims 26-30 dependent from claim 3.

Please make each of claims 32-36 dependent from claim 5.

Applicant was advised that claim 1 was problematic from the perspective that it appeared that, by labeling the flame retardant as an arylalkylsilyl flame retardant, it appeared that they were trying to capture more than that for which they were entitled. Indeed, the only flame retardants specifically identified in the original Specification were those adhering to the formula outlined in original claim 13. Moreover, the Examiner observed that, to the extent that the genus of flame retardants embraced by the formula of claim 13, themselves, did not appear to be aptly identified by the term "arylalkylsilyl", it would be impossible to determine the scope of the claim of claim 1 beyond those permutations where the aforementioned flame retardant of claim 13 fulfilled the role this role. It was, therefore, suggested that Applicant consider simply inserting the subject matter of claim 13 into claim 1 because the Examiner had already made the

determination that the prior art did not appear to disclose a similar composition.

Applicant indicated that they were amenable to this change.

EP 497 004 is perhaps the most germane reference encountered during the Examiner's search. This document mentions in its Background section a flame retardant compound that mirrors that of amended claim 1 in the sense that it features an oxyaryleneoxy bridge between silicon atoms in the backbone of an oligomer however, unlike the flame retardant of the instant invention, it is apparently devoid of siloxane repeat units and, further, contains no pendant hydrolysable groups.

Mark et al., U.S. Patent # 4,148,773 is notable for its description of a plasticizer that shares in common some of the structural attributes of the claimed flame retardant. Steffen, U.S. Patent \$ 4,026,827, discloses a compound that features a repeating structure of the type Si-O-R-O-Si where R denotes an alkylene or arylene group. Moreover, the pendant groups contain aromatic rings but they are directly bonded to the silicon atom as opposed to via an oxygen linker. Reddy et al., U.S. Patent # 6,753,401, describes yet another compound that includes similar structural characteristics to those of the claimed flame retardant but differs in some meaningful way. Kotzsch et al., U.S. Patent # 3,423,361, Curry, U.S. Patent # 3,346,515, and Webb, U.S. Patent # 3,370,039 represent yet more disclosures that teach a compound bearing some similarities. Beyond the failure of these documents to teach an equivalent compound, at least some, if not all, fail to teach said compound in the context of being an additive to a thermoplastic composition.

The documents cited herein are the most germane known. Insofar as they fail to even render obvious the claimed invention, claims 1-12, 14-18, 20-24, 26-30, and 32-37 are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC S. ZIMMER whose telephone number is (571)272-1096. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

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September 15, 2009

/Marc S. Zimmer/
Primary Examiner, Art Unit 1796